

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 18-7812-FMO (AS)

Date October 23, 2019

Title Jose Ivan Salcedo v. James Dailey, et. al.,

Present: The Honorable Alka Sagar, United States Magistrate Judge

Alma Felix

N/A

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiff:

Attorneys Present for Defendants:

N/A

N/A

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE LACK OF PROSECUTION

On August 1, 2019, the Court issued an order vacating its Report and Recommendation and granting Plaintiff thirty days to file a First Amended Complaint that corrects the defects addressed in the Court's November 14, 2018 Order. (Dkt. No. 16). Plaintiff was directed to "file a First Amended Complaint no later than 30 days from the date of th[e] Order." (*Id.* at 2). Plaintiff was warned that a "failure to timely respond to th[e] Order will result in a recommendation that this action be dismissed with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and obey court orders." (*Id.*).

To date, Plaintiff has failed to file a First Amended Complaint, request an extension of time to do so, or otherwise communicate with the Court. Accordingly, Plaintiff is ORDERED TO SHOW CAUSE, in writing, no later than **November 20, 2019**, why this action should not be dismissed with prejudice for failure to prosecute. This Order will be discharged upon the filing of a First Amended Complaint that cures the deficiencies in the last pleading or upon the filing of a declaration under penalty of perjury stating why Plaintiff is unable to file a First Amended Complaint. A copy of the Court's Orders dated November 14, 2018 and August 1, 2019 are attached for Plaintiff's convenience.

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If Plaintiff no longer wishes to pursue this action, he may request a voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a). A notice of dismissal form is attached for Plaintiff's convenience. Plaintiff is warned that a failure to timely respond to this Order will result in a recommendation that this action be dismissed with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and obey court orders.

cc: Fernando M. Olguin
United States District Judge

Initials of
Preparer

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